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**RESOLUTION NO. 2020-53**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING CONGRESS TO RECOGNIZE AND WORK TO ACHIEVE BROADBAND ACCESS AND AFFORDABILITY; SUPPORTING INCLUSION OF BROADBAND INFRASTRUCTURE IN FEDERAL INFRASTRUCTURE INVESTMENTS; AND AFFIRMING SUPPORT FOR LOCAL CONTROL OF BROADBAND INFRASTRUCTURE SITING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, broadband infrastructure has become an economic necessity for Florida cities, driving education, health care, public safety, economic growth and operating efficiency in a 21<sup>st</sup> Century economy; and

**WHEREAS**, sufficient broadband infrastructure has become increasingly necessary to support all forms of infrastructure, from smart-meter electrical grids and connected traffic management networks to sensor-enabled water and sewer systems; and

**WHEREAS**, robust broadband is needed to support the deployment of advances in smart city technologies as well as autonomous vehicles and unmanned aerial systems (drones); and

**WHEREAS**, a competitive and sustainable broadband industry is driving innovations, community and economic development, educations, healthcare and government services; and

**WHEREAS**, millions of American workers, students and patients staying home to help combat the novel coronavirus (COVID-19) highlights the importance of broadband infrastructure and connectivity for the transition to remote workforce, education and healthcare systems; and

**WHEREAS**, access to broadband can increase residential property values, increase commercial business activity and spur viable employment options in isolated communities; and

**WHEREAS**, universal access to affordable broadband should be considered essential infrastructure that contributes to economic health and survival of communities across Florida; and

**WHEREAS**, the availability and adoption of quality broadband service can vary dramatically from one neighborhood to another, even in heavily populated urban areas; a substantial number of individuals in poor and rural communities have limited internet access; and where broadband access is limited, citizen have limited access to information, education and tools for economic independence; and

**WHEREAS**, historically, local governments have ensured access to essential services not offered by the private sector by banding together to provide those services at a reasonable and competitive cost; and

**WHEREAS**, attempts continue to be made to limit or stop further local government deployment of municipal broadband services which has the potential of reducing the ability of local government to provide important information and services to their citizens in a timely, efficient and cost-effective manner; and,

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2       **WHEREAS**, local governments should not be preempted by the federal or state government from  
3 being able to offer broadband services, high-speed internet and other communications services that could  
4 advance the deployment of broadband throughout our nation; and  
5

6       **WHEREAS**, the Federal Communications Commission (FCC) has enacted regulations that  
7 substantially limit the traditionally held authority of local governments over the placement of wireless  
8 infrastructure and local governments' ability access fair compensation to taxpayers for use of public  
9 property, subsidizing wireless carriers' development while undermining local efforts to expand broadband  
10 access; and  
11

12       **WHEREAS**, the economic health of municipalities depends on public and private investment to  
13 connect their communities; and  
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15       **WHEREAS**, the Coronavirus Aid, Relief, and Economic Security (CARES) Act includes funding  
16 for the transition to remote life among its many relief provisions with specific funding for broadband  
17 connections, distance learning, telehealth and telework including \$100 million to the U.S. Department of  
18 Agriculture's Rural Utility Service (RUS) for its Reconnect Pilot Program, which provides grants for the  
19 costs of construction, improvement or acquisition of facilities and equipment needed to provide broadband  
20 service in eligible rural areas.  
21

22 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE**  
23 **VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:**  
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25       **Section 1.**    **Recitals.** The above recitals are true and correct, and incorporated herein by this  
26 reference and are hereby adopted as the legislative and administrative findings of the Village Commission.  
27

28       **Section 2.**    **Prioritize.** The Village Commission of the Village of Biscayne Park urges the  
29 federal government to prioritize efforts to provide affordable and competitively priced broadband access;  
30 provide appropriate standards for broadband speed, reliability and connectivity that allow Floridians to  
31 compete in the global economy; and open more opportunities to deliver robust service more economically  
32 and universally.  
33

34       **Section 3.**    **Protect.** The Village Commission of the Village of Biscayne Park urges Congress  
35 and the Federal Communications Commission (FCC) to protect traditionally held authority of local  
36 governments over the placement of wireless infrastructure.  
37

38       **Section 4.**    **Support.** The Village Commission of the Village of Biscayne Park urges Congress  
39 to support policies that promote municipal broadband, preserve the authority of local governments to act  
40 in the interest of their citizens by offering high-speed internet and other communications services, and  
41 preempt states from barring local governments from offering such services in their communities.  
42

43       **Section 5.**    **Incorporate.** The Village Commission of the Village of Biscayne Park urges  
44 Congress to incorporate federal investment in broadband in any federal infrastructure proposal to  
45 strengthen the nation's infrastructure network while promoting economic development in our  
46 municipalities.  
47

48       **Section 6.**    **Clear.** The Village Commission of the Village of Biscayne Park calls on the FCC  
49 to examine all best practices and potential obstacles to expanded broadband deployment and adoption

1 including obstacles created by federal or industry practices that stymie local and consumer efforts to  
2 expand broadband access, and clear the path toward affordable access.

3  
4 **Section 7. Severability.** If any section, sentence, clause or phrase herein is held to be invalid  
5 by any court of competent jurisdiction, then said holding shall in no way affect the validity of the  
6 remaining portions of this Resolution.

7  
8 **Section 8. Effective Date.** This Resolution shall become effective immediately upon its  
9 adoption.


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11 **Section 9. Distribution.** A copy of this resolution shall be sent to President Donald Trump,  
12 the Florida Congressional Delegation, the National League of Cities, the Florida League of Cities and the  
13 Miami Dade County League of Cities.

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16 **PASSED AND ADOPTED** this 6<sup>th</sup> day of October, 2020.

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19 The foregoing Resolution was offered by Commissioner Ross, who moved its adoption. The  
20 motion was seconded by Commissioner Samaria, and upon being put to a vote the vote was as follows:

21  
22 Virginia O'Halpin, Mayor: Yes  
23 MacDonald Kennedy, Vice-Mayor: Yes  
24 Roxanna Ross, Commissioner: Yes  
25 Dan Samaria, Commissioner: Yes  
26 Dan Samaria, Commissioner: Yes  
27

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29 VILLAGE OF BISCA YNE PARK

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32 Virginia O'Halpin, Mayor  
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36 ATTEST:

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39 Roseann Prado, Village Clerk  
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43 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
44 USE AND RELIANCE OF THE VILLAGE OF BISCA YNE PARK ONLY:

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46   
47 Edward A. Dion, Village Attorney  
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